

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 25

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR McKENNA.

Read 1st time January 12, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3067.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1998, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Section 39(a), article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39(a), to read as follows:

Section 39(a). The game commonly known as bingo when conducted by religious, charitable, fraternal, veteran or service organizations is not a lottery or gift enterprise within the meaning of subdivision (9) of section 39 of this article if the general assembly authorizes by law that religious, charitable, fraternal, service, or veteran organizations may conduct the game commonly known as bingo, upon the payment of the license fee and the issuance of the license as provided for by law. Any such law shall include the following requirements:

(1) All net receipts over and above the actual cost of conducting the game as set by law shall be used only for charitable, religious or philanthropic purposes, and no receipts shall be used to compensate in any manner any person who works for or is in any way affiliated with the licensed organization;

(2) No license shall be granted to any organization unless it has been in continuous existence for at least five years immediately prior to the application for the license. An

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

organization must have twenty bona fide members to be considered to be in existence;

(3) No person shall participate in the management, conduct or operation of any game unless that person:

(a) Has been a bona fide member of the licensed organization for the **[two years] one year** immediately preceding such participation, and volunteers the time and service necessary to conduct the game;

(b) **[Is not a paid staff person for the licensed organization;**

(c)] Is not and has never been a professional gambler or gambling promoter;

[(d)] (c) Has never purchased a tax stamp for wagering or gambling activity;

[(e)] (d) Has never been convicted of any felony;

[(f)] (e) Has never been convicted of or pleaded nolo contendere to any illegal gambling activity;

[(g)] (f) Is of good moral character;

(4) Any person, any officer or director of any firm or corporation, and any partner of any partnership renting or leasing to a licensed organization any equipment or premises for use in a game shall meet all of the qualifications of paragraph (3) except subparagraph (a);

(5) No lease, rental arrangement or purchase arrangement for any equipment or premise for use in a game shall provide for payment in excess of the reasonable market rental rate for such premises and in no case shall any payment based on a percentage of the gross receipts or proceeds be permitted;

(6) No person, firm, partnership or corporation shall receive any remuneration or profit for participating in the management, conduct or operation of the game;

(7) **[No advertising of any game shall be permitted except on the premises of the licensed organization or through ordinary communications between the organization and its members;**

(8)] Any other requirement the general assembly finds necessary to insure that any games are conducted solely for the benefit of the eligible organizations and the general community.

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